

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----X  
PDV USA, INC,

:

Plaintiff,

:

- against -

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:

INTERAMERICAN CONSULTING INC,

:

Defendant.

:

X

<b>USDC SDNY</b>
<b>DOCUMENT</b>
<b>ELECTRONICALLY FILED</b>
<b>DOC #:</b> _____
<b>DATE FILED:</b> 8/4/2023

20-CV-3699 (JGK) (RWL)

**ORDER****ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This order resolves Defendant Interamerican's motion for reconsideration of one portion of this Court's July 7, 2023 order at Dkt. 139 concerning the continued stay of discovery. Upon consideration of Interamerican's motion and Plaintiff PDV's opposition, the Court finds that reconsideration is appropriate and that upon full consideration of the factual and procedural record, the exception from the stay previously granted with respect to deposing John Doe is not warranted. The Court overlooked that PDV previously deposed John Doe by written questions, that the concern for faded memory is therefore reduced, that Interamerican declined to participate in the deposition by written questions, and that the prospect of re-opening John Doe's deposition -- for what would essentially be a third installment, albeit only the second oral deposition -- if and when the "Missing Documents" are produced is a less likely option than it might otherwise be. Accordingly, the stay currently in place encompasses and does not exclude deposition of John Doe.

The Clerk of Court is respectfully requested to terminate the motion at Dkt. 141.

SO ORDERED.



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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: August 4 2023  
New York, New York

Copies transmitted this date to all counsel of record.